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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,085	05/11/2007	Paul Adams	BIC-027.D1	1674

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EXAMINER

TIETJEN, MARINA ANNETTE

ART UNIT	PAPER NUMBER
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3753

NOTIFICATION DATE	DELIVERY MODE
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08/21/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/596,085	Applicant(s) ADAMS ET AL.	
	Examiner MARINA TIETJEN	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 57-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Preliminary Amendment

1. This office action is responsive to the preliminary amendment filed on 05/30/2006. As directed by the amendment: claims 1-56 have been cancelled, and new claims 57-65 have been added. Thus, claims 57-65 are presently pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 57 and 62-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Adams et al. (U.S. Pub. No. 2005/0074643).

Adams et al. discloses a method for sealing a fuel supply (40, figs. 3, 3a, 11), wherein the fuel supply (40) comprises a valve (36), an outer casing (58) including a first opening (opening in which valve 36 extends through casing 58), and an inner liner (46) including a second opening (opening in which valve is inserted), the method comprising the steps of:

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inserting the valve (36) of the fuel supply (40) into the second opening of the inner liner (46);

attaching the valve (36) to the inner liner (46) (para. 0066);

inserting the inner liner (46) and valve (36) into the outer casing (58);

attaching the valve (36) to the outer casing (58) (valve 36 is attached to liner 46 which is attached to the outer casing 58; therefore the valve 36 is attached to the outer casing 58); and wherein the attachment is performed by ultrasonic welding (para. 0066; liner is attached to casing 58 through ultrasonic welding);

rendering the inner liner fuel-resistant by fabricating the inner liner from a fluorine-treated low-density polyethylene (para. 0064); and

wherein the fuel is methanol.

4. Claims 57, 62, and 65 are rejected under 35 U.S.C. 102(a) and 102 (e) as being anticipated by Lawrence et al. (U.S. Pub. No. 2002/0197522).

Lawrence et al. discloses a method for sealing a fuel supply (39a, fig. 10), wherein the fuel supply (39) comprises a valve (88a, 129, 130, fig. 12a), an outer casing (92a) including a first opening (opening in which valve extends through casing), and an inner liner (86a) including a second opening (opening in which valve is inserted), the method comprising the steps of:

inserting the valve (88a, 129, 130) of the fuel supply (39a) into the second opening of the inner liner (86a);

attaching the valve (88a, 129, 130) to the inner liner (86a);

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inserting the inner liner (86a) and valve into the outer casing (92a); and
attaching the valve (88a) to the outer casing (92a) (valve is attached to liner which is attached to the outer casing; therefore the valve is attached to the outer casing);

rendering the inner liner fuel-resistant (para. 0075, liner 86 is substantially impervious to methanol, thereby indicating it has been rendered fuel-resistant, whether it is an inherent property of the material used or by a separate process performed to the material), wherein the inner liner is fabricated from polyethylene (para. 0075); and
wherein the fuel is methanol.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence et al. (U.S. Pub. No. 2002/0197522) in view of Dabney et al. (U.S. Pat. No. 3,795,558).

Lawrence et al. disclose a method for sealing a fuel supply (39a, fig. 10), wherein the fuel supply (39) comprises a valve (88a, 129, 130, fig. 12a), an outer casing (92a) including a first opening (opening in which valve extends through casing), and an inner liner (86a) including a second opening (opening in which valve is inserted), the method comprising the steps of:

inserting the valve (88a, 129, 130) of the fuel supply (39a) into the second opening of the inner liner (86a);

attaching the valve (88a, 129, 130) to the inner liner (86a);

inserting the inner liner (86a) and valve into the outer casing (92a); and

attaching the valve (88a) to the outer casing (92a) (valve is attached to liner which is attached to the outer casing; therefore the valve is attached to the outer casing);

rendering the inner liner fuel-resistant (para. 0075, liner 86 is substantially impervious to methanol, thereby indicating it has been rendered fuel-resistant, whether it is by the material used or by a separate process performed to the material), wherein the inner liner is fabricated from polyethylene (para. 0075); and

wherein the fuel is methanol.

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However, Lawrence et al. do not disclose wherein the valve is attached to the inner liner and the outer casing by ultrasonic welding.

Dabney et al. teach the use of ultrasonic energy for sealing two shaped plastic members together as known in the art, and further teach a method for connecting two polyethylene parts together by ultrasonic welding, wherein one is a flexible liner (6) and the other is a rigid outer casing (32), for the purpose of providing a seal which is mechanically strong and hermetic using a method which is easy to use, rapid, inexpensive, and allows the use of inexpensive materials (col. 2, lines 35-43).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lawrence's invention, such that the valve was attached to the inner lining and the outer casing by ultrasonic welding, as taught by Dabney et al, for the purpose of providing a seal which is mechanically strong and hermetic using a method which is easy to use, rapid, inexpensive, and allows the use of inexpensive materials.

8. Claims 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence et al. (U.S. Pub. No. 2002/0197522) in view of de Pous et al. (U.S. Pat. No. 6,021,930).

Lawrence et al. disclose the invention as essentially claimed, except for wherein the outer casing comprises at least one ledge and at least one slanted inside wall, and the inner lining comprises at least one snap-fit and at least one barb, and wherein the step of inserting the inner liner and valve into the outer casing further comprises

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advancing the inner liner until the at least one snap-fit engages with the at least one ledge and until the at least one barb engages with the at least one slanted inside wall.

De Pous et al. teaches a method of attaching a flexible liner (14, fig. 1, 9) to a rigid outer casing (20) wherein the outer casing (30) comprises a ledge (29, fig. 9) and a slanted inside wall (slanted inner wall on 18) and the inner lining (14) comprises a snap-fit (31) and a barb (16), and wherein the inner lining (14) is advanced into the outer casing (30) until the snap-fit (31) engages with the ledge (29) and until the barb (16) engages with the slanted inside wall (slanted inside wall of 18), for the purpose of providing a secure attachment between a flexible liner and a rigid outer casing and for the purpose of providing means that indicate the liner is fully inserted into the outer casing.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lawrence's invention such that the outer casing comprises at least one ledge and at least one slanted inside wall, and the inner lining comprises at least one snap-fit and at least one barb, and wherein the step of inserting the inner liner and valve into the outer casing further comprises advancing the inner liner until the at least one snap-fit engages with the at least one ledge and until the at least one barb engages with the at least one slanted inside wall, as taught by de Pous et al., for the purpose of providing a secure attachment between a flexible liner and a rigid outer casing and for the purpose of providing means that indicate the liner is fully inserted into the outer casing.

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9. Claims 63-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence et al. (U.S. Pub. No. 2002/0197522) in view of Hobbs (U.S. Pat. No. 5,244,615).

Lawrence et al. disclose the invention as essentially claimed, except for wherein applicant's disclosure. U.S. Pub. No. 2003/0082427 (Prasad et al.) discloses a fuel the inner liner is fabricated from a fluorinated low-density polyethylene.

Hobbs teaches fluorinated low-density polyethylene containers are commonly used for their barrier properties against leakage and resistance for holding methanol fuel (col. 1, lines 13-20; col. 3, line 63; col. 4, lines 3-9).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lawrence's invention, such that the inner liner is fabricated from a fluorinated low-density polyethylene, as taught by Hobbs, in a manner known in the art to improve a container's resistance to solvents such as methanol.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to cell comprising a rigid outer casing with an inner liner, wherein a valve attached to the rigid casing and inner liner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARINA TIETJEN whose telephone number is (571) 270-5422. The examiner can normally be reached on Mon-Thurs, 9:30AM-5:00PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBIN EVANS can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. T./
Examiner, Art Unit 3753

/Robin O. Evans/
Supervisory Patent Examiner, Art Unit 3753